

## **TENTATIVE RULINGS for CIVIL LAW and MOTION**

### **October 29, 2009**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fourteen: (530) 406-6941

#### **TENTATIVE RULING**

**Case:** Property Equities, LLC v. Coast Transit Refrigeration, Inc.  
Case No. CV UD 09-2757

**Hearing Date:** October 29, 2009 Department Fourteen 9:00 a.m.

Defendants' request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendants' motion to quash the service of the summons is **GRANTED**. (Code Civ. Proc., §§ 418.10 and 1167.3.) A "vendee in possession" of land is not subject to removal by the summary method of unlawful detainer. (*Greene v. Municipal Court for the Inglewood Judicial Dist. of Los Angeles County* (1975) 51 Cal.App.3d 446, 451.) Coast Transit Refrigeration, Inc. provided notice of its exercise of the purchase option on April 7, 2009. (Myronowicz Declaration ¶ 5.) Plaintiff is estopped from denying that Coast Transit Refrigeration, Inc. could exercise the purchase option under the lease agreement. (Myronowicz Declaration ¶¶ 5-8 and 10-13; Exhibit 1 to the complaint.) Additionally, the plaintiff waived its objections to the exercise of the purchase option by failing to raise such objections when notice of the exercise of the option was provided. (*Kelley v. Russell* (1942) 50 Cal.App.2d 520, 527; *Rollins v. Stokes* (1981) 123 Cal.App.3d 701, 713; Myronowicz Declaration ¶¶ 5 and 11.)

Defendants shall promptly serve counsel for the plaintiff with notice of the Court's ruling.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

**TENTATIVE RULING**

**Case:**                   **Enriquez v. Lindeman Fence, et al.**  
                              **Case No. CV PM 07-564, consolidated with**  
                              **Young v. Lindeman**  
                              **Case No. CV PM 07-443**

**Hearing Date:**       **October 29, 2009**                   **Department Fourteen**                   **9:00 a.m.**

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The parties are **DIRECTED TO APPEAR.**